

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

ESTATE OF :
ROGER D. OWENSBY JR., ET AL., :
Plaintiff, : Case No. 01-CV-769
v. : Senior Judge S. Arthur Spiegel
CITY OF CINCINNATI, ET AL., :
Defendants. :

DECLARATION OF PAUL B. MARTINS

1. I, Paul B. Martins, am trial counsel for the Plaintiff in the above-captioned action.
2. Attached as Exhibit A is a fair and accurate copy of Plaintiff's Second Request for Production of Documents served upon Defendant City of Cincinnati and its Police Chief. It bears my signature and was served on September 18, 2003.
3. Pursuant to Rule 34, Fed. R. Civ. P., Defendants' written response to this document request was due on October 21, 2003. Plaintiff did not receive a written response to this document request on October 21, 2003. In fact, Plaintiff has never received a written response to his Second Request for Production of Documents.
4. Attached as Exhibit B is a fair and accurate copy of my November 7, 2003 letter to defense counsel for the City of Cincinnati and its Police Chief requesting a response to Plaintiff's Second Request for Production of Documents. I have received

no response to my November 7, 2003 letter.

5. Attached as Exhibit C is a fair and accurate copy of an Order issued in *United States ex rel. Davis v. MG Transport Services, Inc.*, No. C-1-92-1001 (S.D. Ohio March 11, 1996) issued by Magistrate Judge Lynn V. Hooe, Jr.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 24th day of November, 2003.

/s/ Paul B. Martins